IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1390 OF 2005

IN

CRIMINAL APPEAL NO.189 OF 2005

Ramesh Appa Gurav . ... Applicant/
Orig.Accused

V/s

The State of Maharashtra
(Through Kankavali Police Stn.) ... Respondent

Mrs.Pranali Kakade i/b Mr.Rajeev Sawant & Asso. for applicant
Mr. A.S. Shitole, APP for the State

Coram : V.M. Kanade, J.
Dated : 12/04/2005.

P.C. :-

1 I have heard the learned counsel for the applicant and APP for the State.

2 The applicant is convicted by the trial court for an offence punishable under sections 307 and 326 of the Indian Penal Code and is sentenced to suffer R.I. for 7 years and further one year under section 307 of the Code.

3 The prosecution case in brief is that the accused is a real brother of the complainant had thrown sulfuric acid on the face of the complainant while he was sleeping in his room by pouring the acid in a hollow bamboo stick from the window grill. There was no eye witness to the said incident and the trial court on the basis of circumstantial evidence has held that the accused has committed the said offence.

4 From the evidence of the doctor who is examined by the complainant it can be seen that the injuries which were caused to the complainant were not very grevious. P.W.3 has stated in his evidence that there were burn injuries caused as a result of acid which was poured on the face of the complainant. P.W.8 Dr. Mamta Kadulkar also has stated in her evidence that there were two injuries on the face of the complainant and both the injuries are simple.In view of the evidence given by P.W.3 and P.W.8, the primafacie case has made out for the grant of bail. The accused has already undergone one year in the jail. Under the circumstances, the applicant be released on bail in a sum of Rs.5000/- with one or two sureties in like amount.

(V.M.Kanade,J.)